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21 ACTUATE CORPORATION

22 **Additional counsel listed on signature page*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ACTUATE CORPORATION, a Delaware
corporation

Case No. CV-09-5892-JCS

STIPULATION FOR DISMISSAL OF
ENTIRE ACTION WITH PREJUDICE
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)(A)(ii)

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a Delaware corporation, MRO
SOFTWARE, INC., a Massachusetts
corporation,

Defendants.

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2 **TO THIS HONORABLE COURT, AND TO ALL PARTIES AND THEIR**
3 **ATTORNEYS OF RECORD:**

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5 Pursuant to a Settlement Agreement dated September 28, 2010 by and among the parties
6 to this action – that is, Plaintiff ACTUATE CORPORATION, on the one hand, and Defendants
7 INTERNATIONAL BUSINESS MACHINES CORPORATION, and MRO SOFTWARE, INC,
8 on the other hand – and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) the parties HEREBY
9 STIPULATE:

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11 This entire action should be and hereby is dismissed with prejudice as against each and
12 every defendant, with each party bearing its own fees and costs.

13

14 Respectfully submitted,

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16 Dated: September 30, 2010

17 FENWICK & WEST LLP

18

19 By: Rodger Cole

20 Rodger R. Cole (Bar No. 178865)
21 Attorneys for Plaintiff
22 ACTUATE CORPORATION

23

24 Dated: September 30, 2010

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34 CORPORATION and MRO SOFTWARE, INC.

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36 Dated: 9/30/10

